

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KOREY A. ALWOOD,)
)
Plaintiff)
)
v.) CAUSE NO. 3:05-CV-619 RM
)
GEORGE PAYNE, *et al.*,)
)
Defendants)

OPINION AND ORDER

Plaintiff Korey Alwood filed this action against two Maximum Control Facility officials alleging that they violated his federally protected rights. The court screened his complaint and amended complaint, dismissed some claims, and allowed him to proceed on an Eighth Amendment claim and a retaliation claim. The defendants have moved to dismiss the amended complaint because Mr. Alwood has not participated in the discovery process.

On August 21, 2006, pursuant to the court's scheduling order, the defendants served Mr. Alwood with interrogatories. After being granted two enlargements of time, on December 11, Mr. Alwood objected to answering any of the interrogatories on relevancy grounds.

The defendants moved to compel discovery. On December 28, this court granted the motion to compel, and ordered Mr. Alwood to respond to the defendants' interrogatories by answering the questions posed by January 31. When Mr. Alwood did not comply with

the court's order by responding to their discovery, the defendants filed their motion to dismiss. Mr. Alwood has not responded to the dismissal motion, and the defendants' motion is well-taken.

For the foregoing reasons, the court DISMISSES this action pursuant to Fed. R. Civ. P. 37(b)(2)(C) and Fed. R. Civ. P. 41(b).

SO ORDERED.

DATED: March 13, 2007

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court